FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Cri.Application No.1535 of 2006
(Shri Ram Kotak & Anr. Vs. State of Mah and Anr.)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

None for the applicant.
Mrs M.H.Mhatre,APP for the respondent.

CORAM: D.B.BHOSALE,J.
DATED: 16.06.2006

P.C.:

None appears for the applicant. Heard the learned APP for the respondent.

This application is directed against the order of issue of process against the applicant under sections 138 of the Negotiable Instruments Act r/w 420 of IPC. The applicant has approached this Court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and others Vs Pratap V Padode and Anr, 2005 (3) Mh.L.J.778,** while dealing with similar petition

considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this petition is disposed of with liberty to the applicant to file revision before the appropriate Sessions Court against the order impugned in the instant petition.

(D.B.BHOSALE,J.)